

APPEAL NO. 032722
FILED DECEMBER 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 19, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not extend to include a closed head injury, a cervical strain, or a thoracic strain, and that the claimant has not had disability. The claimant appeals, contending that the hearing officer's determinations are not consistent with the evidence. The respondent (carrier) asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant had the burden of proof on the disputed issues regarding the extent of the compensable injury and disability. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer was not persuaded by the claimant's testimony or by the medical reports that the claimant sustained a closed head injury, a cervical strain, or a thoracic strain when she was involved in an accident on _____, nor was the hearing officer persuaded that the claimant proved that she had disability as defined by Section 401.011(16). The hearing officer was obviously concerned about the lack of any medical records in evidence concerning medical evaluation and treatment until almost three months after the accident. Although different inferences may have been reached by another fact finder, we conclude that the hearing officer's decision is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PARKER W. RUSH
1445 ROSS AVENUE, SUITE 4200
DALLAS, TEXAS 75202-2812.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge